

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 746 OF 1996

ALONGWITH

WRIT PETITION NO. 1356 OF 1994

1. Maharashtra Rajya Prathamik)
Shikshak Samiti, Ratnagiri.)
2. Chandrakant Sitaram Bhurke)
School.).... Petitioners.

versus

1. The State of Maharashtra)
2. The Director of Education,)
Pune.)
3. The Zilla Parishad, Ratnagiri).... Respondents.

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Shri S.S. Pakale for the petitioners.
Shri P.P.Chavan for Respondent no.3.
Shri R.M.Patne AGP for State.

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**CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.**

DATED; 28TH FEBRUARY 2005.

P.C.;

1. By these petitions, the petitioner, who is an association of the primary teachers called Maharashtra Rajya Prathamik Shikshak Samiti, prays for quashing of the orders passed by the respondents stopping further increments of the petitioner's members on the ground

that they have not acquired the requisite qualifications within the period prescribed for that purpose by the Government of Maharashtra.

2. The claim on behalf of the primary teachers who have acquired the graduate B.Ed. degree in any faculty and who have either D.Ed or B.Ed certificate with specialise them as teachers, then they are entitled to a higher scale which was granted to the members of the petitioner.

3. After such grant was made, the contention is that the primary teachers having graduate qualification are entitled to be continued in that scale and are entitled to increment as provided by law, even if they do not have the graduation in any one of the subject taught at the primary school. A combined reading of the communication dated 26th April 1996 where under some of the primary teachers were appointed and given higher scale, it is obvious that the teacher concerned has acquired, as provided by clauses (b) and (c) of para 2 of that order, B.Ed. degree in any one of the subject which are being taught in the primary school concerned. He is required to do this at his own costs and it is subsequently stipulated that if these conditions are not fulfilled within the time prescribed, the next

increment in the new pay scale shall be withheld till acquisition of this qualification.

4. It is not disputed that the petitioner primary teachers who have qualifications of graduate B.Ed and D.Ed and the only reason for not giving them the increment benefit is that either they are not B.Ed. degree holder in the concerned subject being taught in primary school, or they do not have the B.Ed. degree. Clause (b) and (c) of the communication dated 26-4-1986 very clearly stipulates that they must have both, a degree in one subject and B.Ed. qualification. That being the position, persons not fulfilling this requirement are not entitled to grant of increment. It is also made clear by this communication that increments would be released to the concerned teacher on their acquiring this qualification. That being the situation, we see no reason to interfere in these petitions. Petitions are therefore disposed of.
